

SENATE BILL 3738

By Herron

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 17, relative to synthetic drug derivatives  
and controlled substance analogs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by  
adding the following new section thereto:

§ 39-17-453.

(a) For purposes of this section:

(1) "Controlled substance analog" means a substance:

(A) The chemical structure of which is substantially similar to the  
chemical structure of a controlled substance; or

(B) That has a stimulant, depressant, or hallucinogenic effect on  
the central nervous system substantially similar to the stimulant,  
depressant, or hallucinogenic effect on the central nervous system of a  
controlled substance.

(2) "Controlled substance analog" shall not include:

(A) A controlled substance;

(B) A substance for which there is an approved new drug  
application by the federal food and drug administration; or

(C) A substance with respect to which an exemption is in  
effect for investigational use by a particular person under § 505 of  
the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 355, to  
the extent conduct with respect to the substance is pursuant to the  
exemption.

(b) It is an offense to knowingly manufacture, deliver or sell, a controlled substance analog or possess a controlled substance analog with intent to manufacture, deliver or sell such analog.

(c) A violation of this section shall be classified the same as the controlled substance to which its chemical structure is substantially similar or the controlled substance to which the stimulant, depressant, or hallucinogenic effect on the central nervous system is substantially similar.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.